

Application No. 10/539,309
Amendment dated June 1, 2009
Reply to Final Office Action of April 1, 2009

Docket No.: 0630-2359PUS1

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-34 are now present in this application. Claims 1, 7, 11 and 30 are independent. Reconsideration of this application, as amended, is respectfully requested.

Acceptance of Drawings

Applicants acknowledge with appreciation the acceptance of the drawing corrections filed on January 7, 2009.

Rejection Under 35 U.S.C. § 102 and § 103

Claims 1, 6-8, 11-15, 18 and 30-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 2,629,544 (Ohmart). Further, claims 2 and 3 stand rejected under 35 U.S.C. § 103 as being obvious over Ohmart in view of US 3,687,224 (Lundin), claims 4, 5, 9, 10, 16, 17 and 34 stand rejected under 35 U.S.C. § 103 as being obvious over Ohmart, claims 19-26 stand rejected over Ohmart in view of GB991996 (GB'996) and claims 27-29 stand rejected as obvious over Ohmart in view of US 4,091,638 (Mitch). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Each of the independent claims recites that the inner and outer body have a tight contact structure so that friction taking place in a contact surface of the inner body and the outer body due to difference in deformation of the inner body and the outer body reduces noise and vibration generated in the chamber. The Examiner states that the body of Ohmart discloses a compressor having an inner body and an outer body tightly attached to reduce noise and vibration through mutual friction between the inner body and the outer body. However, column 2, lines 24-24 of Ohmart states, "I arrange for the corresponding walls of the inner and outer casings 26, 50 to be in *loose contacting engagement* with each other so that vibrations of the sealed casing 26 are dampened by the outer casing 50." (emphasis added). Clearly, Ohmart take an approach that is directly opposite to that of the claimed invention. The loose contacting engagement between the

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casings does not meet the claimed limitation of a tight contact structure so that friction takes place in a contact surface of the inner body and the outer body.

Applicants respectfully submit that the combinations of elements as set forth in independent claims 1, 7, 11 and 30 are not disclosed or made obvious by the prior art of record, including Ohmart. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

With regard to dependent claims 2-6, 8-10, 12-29 and 31-34, Applicants submit that these claims depend, either directly or indirectly, from independent claims 1, 7, 11 and 30 which are allowable for the reasons set forth above, and for the additional recitation set forth in these claims. Reconsideration and allowance thereof are respectfully requested.

Claims 21 and 23 specify that the outer layer has a higher thermal expansion coefficient and higher modulus of strain than the inner layer. The Examiner combined the teaching of Ohmart with GB '996 to reject these claims but neither reference discloses the relationship of the thermal expansion coefficient and modulus of strain between the two layers that is claimed. The Examiner also used these two references to reject claim 26 which recites that the contact surface of the multilayered structure is rugged. Neither reference has any teaching or suggestion of the contact surface between layers being rugged. Reconsideration and allowance of these claims are respectfully requested.

In addition, claims 4, 5, 9, 10, 16, 17 and 34 are rejected as obvious over Ohmart. These claims recite that the inner and outer walls are mutually press fit or shrunk to one another and that the outer body is shorter than the inner wall. The Examiner is correct that the limitations of the side walls being mutually press fit or shrunk to one another create product-by-process claims. In accordance with examining these types of claims, however, the method steps have to be considered to the extent that they affect the structure. As discussed above, the casings 26, 50 of Ohmart are loosely contacting and do not meet the structure resulting from being mutually press fit or shrunk to one another. The Examiner refers to concave and convex section when referring to the respective heights of the inner and outer walls. The point of this discussion is not clear to Applicants and clarification is requested. The Examiner seems to suggest that the length of the walls is affected by the concave or convex shape, so that if the concave and convex shapes were straightened, one would be longer than the other. However, the height of the sidewall is

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measure between the top and bottom, without regard to the path of the wall between the top and bottom. Clearly, Ohmart does not disclose an outer wall having a smaller height than the inner wall.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chris McDonald, Registration No. 41,533, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 1, 2009

Respectfully submitted,

By


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